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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

J. M. Steinke
A. P. Shepherd

Serial No.: 07/953,680

Filed: September 29, 1992

For: METHOD AND APPARATUS
FOR DIRECT SPECTROPHOTO-
METRIC MEASUREMENTS IN
UNALTERED WHOLE BLOOD

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Examiner: K. Hantis

Group Art Unit: 2505

Atty. Dkt.: UTSK:142/BAH

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:

December 15, 1994

David D. Rahler

REQUEST FOR RECONSIDERATION

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Commissioner of Patents
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Washington, D.C. 20231

GROUP 2500

Sir:

This paper is submitted in response to the Office Action mailed July 15, 1994, for which the three-month date for response was October 15, 1994.

A request for a two-month extension of time to respond is included herewith along with the required fee. This two-month extension will bring the due date to December 15, 1994, which is within the six-month statutory period. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under

37 C.F.R. §§ 1.16 to 1.21 from Arnold, White & Durkee Deposit
Account No. 01-2508/UTSK:142/BAH.

Please reconsider the rejections stated in the subject
Office Action in light of the following remarks.

I. INTRODUCTION

The Examiner continues to reject claims 1-36 on various grounds. Applicants continue to believe that the Examiner is incorrectly construing and applying the prior art, and respectfully request the Examiner to reconsider her position, and to allow claims 1-36 in view of the following detailed remarks.

With the Amendment filed March 25, 1994, Applicants submitted the Declarations under 35 U.S.C. § 1.132 of technical experts Dr. Joseph M. Schmitt and Dr. Roland N. Pittman, each directed to rebuttal of the technical aspects of the Examiner's rejections. Filed herewith are two additional declarations under Rule 1.132 by technical experts Dr. Per Åke Öberg and Dr. Gert E. Nilsson, also directed to rebuttal of the technical aspects of the Examiner's rejections.

In addition, filed herewith is the Declaration under Rule 1.132, of one of the co-inventors, Dr. A. P. Shepherd, attesting to the commercial success of the present invention. The commercial success includes sales of products embodying the present invention, and licensing activity related to the subject matter disclosed and claimed in the present application.